P24

U.F.71.

19 40

Department of Revenue

OFFICE. of the Bd of Rev

STATION Chepauk

Misc No. 2472

353/39

Dated 12 + 9.40

DESPATCHED
20 SEP 1940

Pages in the file

(SUBJECT.)

Mining lease. red oxide and ochre. (Bellary) - Bellary Hk
Havaganadona village. s.no 311 - Vasara Thavama Rev...
Govt) - allegations against the workers of the mine
Mahabaleswarappa. orders passed.

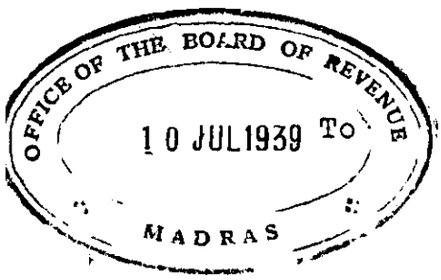
From

Y. Mahabaleswarappa,

Merchant and Land Lord,

Bellary.

R.P. 836
C 3353



To

The Secretary to the Board of Revenue,

Madras.

Sir,

I have the honour to bring the following to your kind consideration for favourable orders.

I am the holder of "Certificate of approval for the Prospecting of the Mining areas in Bellary District". Please peruse B.P. No. 575 dated 3-2-1939.

I understand that the Survey No. 311 of Haraginadona village, Bellary Taluk, Bellary District, an extent of about 500 acres containing the best quality of red oxid of iron has been leased out for 30 years to one Sri. Dasaratha Rama Reddy of Guntur District for the removal of the material.

The area assigned to him can be worked out in a large quantity of stuff every day, say about 500 Tons a day, provided it is in in the hands of a competant lease holder. Thereby the Government will have a reasonable gain in every month in the shape of Royalty.

I understand that the whole one is being worked by one Kodda Ramayya on a contract system, who removes about 6 to 10 head-loads of ore every day is in a very petty scale. This ore is being powdered at Kudithini village and sold in local areas such as Bellary Town, Adoni, Hubli and Gadag, where it is used for Painting copper vessels and houses.

The income thus derived by selling in petty scales

remuneration of Ramayya, the Sub Contractor.

The area in question has been granted to the said D.R. Reddy since 15 years ago. He has been working the mines quite contrary to mining rules having deepend the pits to a depth of 20 to 80 feet with hollows throughout.

Thw xx working system is very irregular that the labourers voluntarily go to the hills remove the ore fill up in cement bags and get their wages from the contractor at Rs. 0-2-0 to 0-3-0 per bag. After accumulating 4 or 5 carts loads of ore the contractor sells it locally with a small profit just sufficient for his maintenance and payment of Revenue to the Government.

The sale of the ore in the local areas cannot be accounted for to the Government and thereby it is a heavy loss to the Government in the shape of Royalty.

The account that can be obtained in Kudithini Railway Station will prove that the mining work is not properly carried on due to thie mismanagement of the leasee.

therto the ore was purchased by Mr. V. Nimbker of Bombay, who holds mining operations throughout India. This purchase is stopped now due to the assignment of another block of red oxid to him. He is working the area in Papanayakanahalli, Jambunathnahalli and Haraginadona. Hence forth Mr. D.R. Reddy has no proper -- market due to his petty retail of ore selling locally.

It is understood that the said mining area is leased out to one Mr. Chetty of Gooty, Anantapur District, for a small remuneration for a year. This transaction is quite against to mining rules.

In addition to the above defects the area is not properly demarkcated with cairness and fencing throughout. The old pits are kept in a very dangerous comdi-

condition, as there is every likelyhood of impending danger to the cattle and public who go to the for grass etc. If you are pleased to inspect the locality, it is sure, you will see that the area is not being worked out according to the mining rules.

I am a land-lord and a leading Merchant of Bellary. I boldly say that I can work the area in an ever flourishing condition with a reasonable income to the Government.

Under the above circumstances, I request that the lease granted to Mr. D. R. Reddy may kindly be cancelled, as the ore is being worked against mining rules, and the same be granted to me.

I remain, Sir,

Yours obediently,

V. Mahabaleswarappa

8. 7. 1939

BELLARY

dted: 8. 7. 1939.

Mining lease - (Bellary) - Bellary taluk - Haraganadoora Hge - S.No. 311 - Held by Dasaratharami Reddi, Sri. Y. - Complaints.

Read.-

I. 3358/39. ~~From the Collr~~

Petition from Sri Y. Mahabaleswara Vappa

dy 8.7.39. — Q

Ref. I. No. 3358/39-1 dy 15.7.39

— Forwarded to the collr of Bellary for remarks.

21.7.39 Collr 21/7/39. 21/7

To the collr. of Bellary (with a petition in original to be returned with reply). —

pp 1.6 cf.

I Rv Collr of Bellary

dy 5.10.39. 1/10.

L

21/11

_____ DEPARTMENT.

REMINDER. _____ *Branch.*

To The Collector of Bellary

I ~~have the honour to invite~~ am directed to invite attention to Ko Bo's Ref No. 2 3353/39-1 dated 15.7.39 and 30 OCT 1939 to request that the reply to it may be expedited

~~request that this reminder may be returned at once~~ with information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) the circumstances which have caused the delay.

Office of the Board of Revenue

Station Chepauk

Dated 9-10-39

Signature.

Designation Superintendent

SUBJECT

Mining lease.-(Bellary)-Bellary Tk. Haragadona village. S No 311. Held by Dasavatharami Reddi.-S.Y. Complaints.

BOARD OF REVENUE MADRAS

REPLY.

To The Secretary Board of Revenue

COLLECTORATE BELLARY 10 OCT 1939

Land Revenue and Settlement Branch

Reference paper is pursuing with the Revenue Divisional Officer Bellary, vide 31.7.1939. A report will be submitted on receipt of reply from them. The matter has been examined and is now pending.

11.X.39 for Collector.

9/10-10-39 A1

B.S. 10/10/39

To Emp Oh.

The Secy's reply to the Bde's Ltr Rv. may be added to the file. The Coy may, if necessary, be reminded on 9.11.39

GO
Offr

GPR
14/X

Ltr Rv together 14/11.

8(1)(c)

C.F. 98.

_____ DEPARTMENT.

_____ Branch.

REMINDER.

To The Director of
Bellary

15 NOV 1939

I ~~have the honour to invite~~ am directed to invite attention to The Bd
~~invite~~

Ref. No. 2 B 43/1 Dated 4.3.39 and
B8-1

to request that ~~the reply to it may be expedited~~ with
~~request that~~ this reminder may be returned at once
information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, ~~and~~

(3) ~~the circumstances which have caused the delay.~~

Office of the Bd of Rev
Station Chepauk
Dated 11.11.39

Signature.
Superintendent.
Designation.
Bh 11/11

SUBJECT.

Mining Leases. (Bellary) - Bellary tk
Haragamadoddi village - S.No 84 - Held by
Dasara Thavami Reddi (Fr) Y. Complaints.

REPLY.

To The Secretary
Board of Revenue
Madras

Sir,

The report of the
Revenue Divisional Officer
Bellary has been received
and it is under scrutiny.
A reply will be submitted
within a week

Arthur Khan
14/11/39
for Collector

16.11.39
A.I.

16/11/39
BS

8(d)

To Supdt.

Please see the Cdn's reply to the Pet's Sp Rv thereof. Next reminder if req. may come on 11.12.19

CO
29/Jul

BPR
29/11/19

9

C.F. 32.

In reply, please quote number, date and short title.*

Revenue DEPARTMENT.

Received _____ *Registered* 95560

From (Name) A.D. Crombie Esq., C.I.E.,I.C.S.,

(Designation) Collector,

Post Box _____, (Station) Bellary.,

Telegraphic Address _____

OFFICE OF THE BOARD
29 NOV 1939
MADRAS

To

The Secretary to the Board of Revenue,
Madras.

L.Dis. *No.* 3293/39, *dated* 26-11-39 19 .

Sir,

Mining lease - Bellary Taluk - Haraganadona village - S.No.311 held by DasrathaRami Reddi, Sri.Y. - Petition of Sri. Y. Mahabaleswarappa dated 8-7-39 - Report - Submitted.

Board's Ref.I.No.3353/39-1 dated 25-7-39.

Enclosures
Petition &
Y. Mahabaleswarappa.

Spare Copies

The petition of Sri. Y. Mahabaleswarappa was referred to the Revenue Divisional Officer Bellary for enquiry and report. He states that the allegations made in the petition are found to be true. No definite evidence is available regarding the sub lease of the mine to a merchant of Gooty, however.

2. It is reported that through a large quantity of the mineral is available in the mine, it is not being worked properly. The lessee has entrusted the work without permission to one Sri. A.P. Ramayya who is not conversant with mining operations. He has not sufficient means to carry on the work. He employs cheap labour as and when it is available, and has not been working the mine regularly with the result that Government are losing revenue in the shape of royalty. It is reported that at the top of the hill deep pits and hallows burrowed for quarrying the mineral have not been fenced and that these pits endanger the lives of men and cattle. The lessee has thus violated the conditions of grant. Under para 2 part IX of the lease under the head "General Provisions", I recommend that

that the lease may be terminated and the right of re-entry enforced.

3. It is learnt that the lessee Sri. Y. Dasaratharami Reddi has recently died.

4. The petition of Sri. Y. Mahabaleswarappa is herewith enclosed.

28/11

RPG/28-11 For Collector.

28.11.

Mining - Lease - (Bellary) - Bellary Taluk - Haraganadona village - S.No 311 - Dasaratha Rami Reddi (Sri) - Y.

Ag (Sett)

8/1

DESPATCHED
8-JAN 1940

I 5560/39 From the Collr of Bellary
Lr No 3293-39 dt 26-11-39

Ref I 3353/39. 2 dt 4-1-40 ~~12-39~~

The Collr of Bellary is requested to report the legal heirs of the lessee Sri Y. Dasaratharama Reddi who is reported to have recently died. He is also requested to map furnish the DP in which the lease was sanctioned and to send for reference and return the lease deed executed by the lessee

para 3 at page

DPR
28/12

28/12/39. 3/1/40

To the Collr of Bellary

13

RP 142
Gooty
Taluq
J 133

From

Rama Thilakamma,
Widow of late Y. Dasaradharama Reddy,.
42, Sundera Raja Perumal Koil St.,
Peravallur, Perambur Post,
Madras.

8 - JAN 1940

To

The Secretary,
Revenue Board,
Chepauk Post,
Madras.

INDIA COURT FEE INDIA
Y. Ramatilakam
6-1-40
TWO ANNAS

D1
9/9/41

Respected Sir,

I humbly beg to bring to your kind notice that my husband late Y. Dasaradhs Rama Reddy has taken a mining-lease of a Red-oxide and ochre plot. Survey No. 311 the extent of which is Acres 472-32 in the village of Hargan Dona in Bellary Taluk; for a period of 30 years and had it registered in the year 1938 and have been working it.

Mean while my husband died on 28-9-39 and I have been managing the affairs as the legal heir and has appointed Mr. A.P. Ramiah as the manager there.

I come to understand that one Mahabaleswarappa, has sent in a petition regarding the above mines to the Revenue Board, while my husband was alive, on which it seems some enquires have taken place at the mines by the Divisional Officer from Bellary.

As I am unaware of the contents of the said Mahabaleswarappa's pettition, and as I am the party concerned in it, I request your Honour to kindly grant me a certified copy of the same. I am herewith sending 6 three anna copy stamps for it and also postage stamps worth six annas to cover postal expences; and reguest your kindness to send the copy to my address given above.

I beg to remain,
Respected Sir,
Yours faithfully,

Perambur,
Date: 5th Jan. '40.

Y. Ramatilakam

(CAH)

15

Mining - Lease. (Bellary) - Bellary Tk. Havaganadana village - Sy No 311 - Held by Sri: Y. Dasaratha-rami Reddi: - Complaint - petition of Sri: Y. Mahaleswarappa - Copy. furnished.

Hli P.S.R. 7.2 Encls. receipt of Yuo No. 2

DESPATCHED
12 FEB 1940

p1367

I 133/40 from Srimati Y. Rama Thilakamma dy 5-1-40

Ref I 3353/39-3 dy 26-1-40

Issue 9/2/40 pp1-5cf

A Copy of petition dy 8.7.39 from Sri: Y. Mahaleswarappa of Bellary is ~~herewith~~ furnished.

EPR 24/1 9 24-1-40

Hat 25/1/40

To Srimati Y. Rama Thilakamma
Widow of late Sri: Y. Dasaratharami Reddy
42. Sundara Raja Perumal koil Stra
Peravallur, Perambur post.
Madras. with a Copy
of petition two unused copy stamp papers and postage stamps to the value of Six annas.

CO
Copying the petition at pp1-5cf
please take from Secln Copy Stamp papers

p+ f-1

Qc + f.n.c
+ m fee Rs 0-8-0

17

9 11 86

RP 26

C.P. 32.

BOARD OF REVENUE MADRAS

In reply please quote number, date and title.

Received 4 MAR 1940 Registered

Revenue DEPARTMENT.

From (Name) A.D.Crombie Esq., C.I.E., I.C.S.,

(Designation) Collector

Post Box ____, (Station) Bellary

Telegraphic Address ____

8/3

To

The Secretary to the Board of Revenue,
Madras.

Ref. C.*No.* 262/40 A-1, *dated* 28-2- 19 40

Sir,

ENCLOSURES

R. Dis. NLA 2/35

ARE COPIES

Mining lease - Bellary district - Bellary taluk - Haragondona village - S. No.311 - Dasarathrama Reddi(Sri)Y deceased - legal heirs - report submitted.

Board's Ref. No. 1-3353/39-2 dated 4-1-1940.

The following persons viz.,

(1) Y. Ramathilakamma, mother and guardian of her minor son Venkata Subba Reddi

(2) C. Subbaramireddi

(3) K. Chenchurami Reddi

(4) K. Seshadri Reddi

request that they may be recognised as the legal heirs of the deceased lessee Sri Y. Dasarathrami Reddi on the strength of the orders passed by the Collector of Nellore in his L.Dis. 8841/39 dated 2-2-1940. None of them resides in this district. Their petition and the copy of the Nellore Collector's order are enclosed.

2. In this connection I invite your attention to para 2 of this office L.Dis.C. 3293/39 dated 26-11-1939 in which I have recommended the termination of the lease and the enforcement of the right of re-entry as the lessee has violated the conditions of grant.

3. The lease was sanctioned to the deceased

Sri

Sri Y. Dasaratharami Reddi in B.P. Misc. No. 185 dated 20-1-1938.

4. The lease deed was executed on 20-7-1938 by the attorney of the deceased which is at page 225 of this office R.Dis. M.L.A. 2/35 dated 27-7-1938 which is enclosed for reference and return.

1340

For ~~Collector~~.

P.S. 1/3.

1.3

19 11.2.40 Perambur 15

From

(1) Y. Ramathilakamma, (wife of late Y.Dasaratharama Reddy), No.42, Sundararaja Perumal Koil Street, Perambur, Madras.
(2) K. Seshadri Reddy, (father-in-law of late Y.Dasaratharama Reddy), 42, Sundararajaperumal Koil Street, Perambur.
(3) K. Chenchurama Reddy, (uncle of late Y. Dasaratharama Reddy), 71, Mungamurivari Street, Nellore.
(4) C. Subbarama Reddy, (mother's sister's husband) of late Y. Dasaratharama Reddy), 71, Mungamurivari St., Nellore.

To

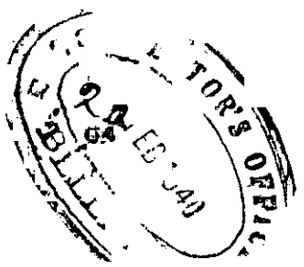
The Collector of Bellary,

Respected Sir,

Sri Y. Dasaratharama Reddy held a 30 years mining lease for red oxide and ochre in S.No.311 of Haraganadona village, Bellary Taluk, Bellary District. The lease was executed in 1938. The lessee Sri. Y. Dasaratharama Reddy died on 28-9-39. He left behind him a will dated 15-9-39 registered on 20-9-39 recognising us as his legal heirs and representatives to the mining leases held by him in the districts of Nellore, Bellary and Anantapur. In pursuance of this will we applied to the Collector of Nellore to recognise us as the lessees in respect of three mica mining leases. The Collector has in his D.Dis.8841/39 dated 2-2-40 has issued orders recognising us as the lessees for the unexpired period of the leases.

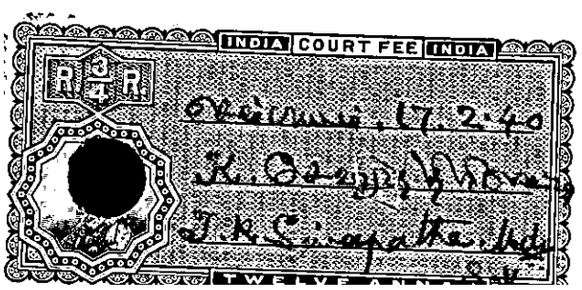
We request you to recognise us as the lessees in respect of the mine held by late Sri Y. Dasaratharama Reddy at Harganadona Village mentioned above and kindly issue orders accordingly, The original of the Nellore Collector's order referred to above is enclosed for reference and return. Orders on this application may kindly be sent to the address of Sri. K. Seshadri Reddy noted below.

Thanking you in anticipation.



Address for service.

K. Seshadri Reddy,
42, Sundararaja Perumal
Koil Street,
Perambur,
Madras.



We Remain, Respected Sir,
Yours obediently,

K. Seshadri Reddy

K. Chenchurama Reddy

Copy of Nellore Collector's proceedings D.Dis.8841/39 dated 2-2-1940.

Mines - Mica - Mining leases - Rupur taluk - Dasaratharami Reddi Sri (Y) - died - legal heirs - names - recognised.

Read: Application from Y. Ramathilakamma etc., Nellore.

2. N.Dis. 5603/39 dated 12-12-39 from the Tahsildar, Nellore.

3. Report dated 20-1-1940 from the Mica Inspector, Nellore.

---

(1) Y. Ramathilakamma, mother and guardian of her minor son Venkatasubba Reddy, (2) C. Subbarami Reddi, (3) K.Chanchurami Reddi and (4) K. Seshadri Reddi are recognized as the legal heirs of the deceased lessee, Y.Dasaratharami Reddi in respect of the mines noted in the margin for the unexpired portion of the leases.

---

1. ML. 125, Annapurna Venkateswara mine, Talupur.

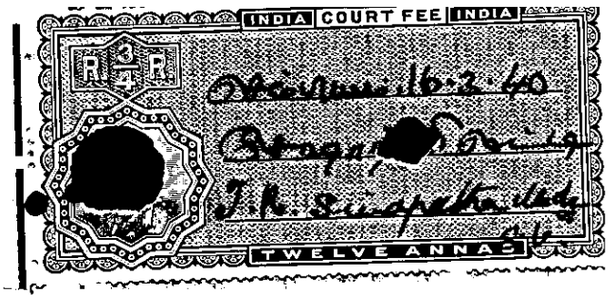
2. ML. 118. Sri Krishna Mine, Turimerla.

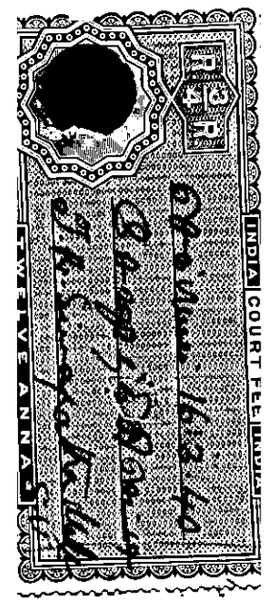
3. ML. 147 Vijayalaxmi mine, Talupur.

True Copy

for Collector

1.3.

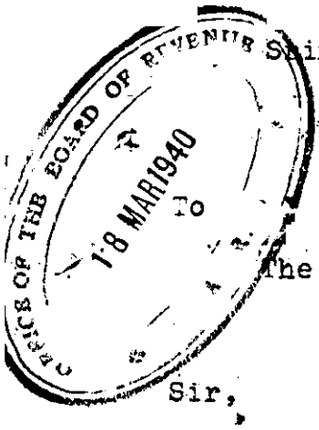




Perambur,
16th March, 1940.

From

Smt. Y. Ramathilakamma,
42, Sundararaja Perumal Koil Street,
Peravallur, Perambur,
Madras



To

The Secretary,
Board of Revenue,
Madras.

Sir,

Reference: Boards' I.3353/39-3 dated 26-1-40.

ith reference to the petition from Sri. Y. Mahabaleswarappa of Bellary, I beg to bring the following to your kind consideration.

I am the widow of Late Sri. Y. Dasaratharam Reddy who was granted a mining lease for 30 years for red oxide and ochre in S. No.311 of Haralanadona Village Bellary Taluk, Bellary District. The lease deed was executed on 20the July, 1938.

My husband died leaving behind him a will assigning this mining lease as well as the other mining leases he held in Nellore and Anantapur districts to (1) myself (2) K. Seshadri Reddy my father (3) K. Chenchurama Reddy. (4) C. Subbarama Reddy.

According to this will we have been recognised as the leasees of the three Mica mines in Nellore District and we have applied to the Collectors of Anaathapur and Bellary to recognise us as the leasees of the mines in their districts.

Mr. Mahabaleswarappa who was a M. L. A. and an influential man with bad motives and with a view to deprive us of the mine in the Bellary Taluk has sent a petition to the Board (a copy of which the Board was pleased to grant in the reference mentioned above) making false allegations. He is a holder of a certificate of approval. He has been trying to secure a plot but in vain. He is now involved in heavy debts. As all his attempts to get a plot in a proper and legal way had failed, he has begun to make false allegations against us.

The allegations in the petition are (1) that the lease was granted 15 years ago (2) that it is worked by Pedda Ramayya (3) that it is not worked properly and (4) that the pits in the mines are kept in a dangerous condition. I submit that all these allegations are false.

(1) The lease was granted only in 1938 and the lease deed executed on 20-7-38..

(2) Under clause 3 of Part VII of the lease a margin of one year's time is allowed to start mining operations. I beg to submit that we started mining operations immediately after the execution of the lease. We have exported above 1000 tons and according to the lease, paid the royalty. The allegations that it is not properly worked is quite false and unfounded.

(3) Pedda Ramayya is not a contractor. He is our manager of the mine. He is falsely represented by Mahabaleswarappa as contractor. This only discloses the venomous and villainous mind that he has.

(4) The pits referred to in the petition were not dug by us They existed long before the lease was granted to us. The fact is that some years back local people were quarrying red oxide in the area on permit system. The existing pits were dug by those people. Though we are not responsible for those pits we have since instructed our manager to secure these pits with sufficient fences.

The motive of Mahabaleswarappa's petition is clear from the last two paragraphs. He wants to deprive us of this mine with a view to secure it to himself. This he has adopted as a last resort as all his attempts to secure a mine in a legal way were frustrated.

In this connection I beg to submit that there are chances of securing good market for oxide and ochre which is used mainly for paints. We have been corresponding with merchants in Japan and other countries. We were about to secure a contract

for a large supply to Japan but the present war stood in the way With a view to enlarge our business we are corresponding with big merchants dealing in paints and varnish in Calcutta, Lahore and other places. We have got the necessary capital and talent to enlarge the business, unlike Mahabaleswarappa. I submit that we held two barytes mines in Anantapur District which we are working regularly and paying much royalty to Government. We are also working the three mica mines in Nellore District in a businesslike manner. We are great mine owners and have invested a very large capital in this business. We are aware of the loss of money and prestige if we mis-manage our affairs. My father who is one of the leasees according to my husband's will is a person of great experience in mining and he is now the managing director of all the mines held by my late husband.

It is not even two years since the lease was granted. The lease is liable to be cancelled only if the leasee is not able to get from the land during three consecutive years so much mineral as would pay royalty equal to the dead rent. This contingency has not arisen now. If the old pits for which we are not responsible are considered sufficient reason for cancelling the lease, I submit that we have already instruct the manager to secure them with sufficient fences.

Under clause 2 of Part VII of the lease ~~already~~ boundary marks have already been errected and they are being maintained well to identify the plot. It is not necessary to fence the whole area nor is it contemplated in the lease.

In this connection I beg to submit that that in the new mining rules issued by the Government of India for Chief Commissioners Provinces a greater security has been given to the leasees and leases have not been made liable to cancellation for failure to maintain boundary marks and to secure pits and shifts. The intention of the Government of India is probably to encourage business and trade in the country and to enhance the industrial development. These

two breaches have not occurred in our case.

I therefore beg to submit that there are no grounds for cancelling the lease and such a course is not only most illegal and unreasonable but will also entail us in great loss besides being detrimental to the industrial development of the country. In these circumstances I beg to request that no action need be taken on Mahabaleswarappa's petition.

Yours sincerely,

వి. రామచంద్ర

Mining - Lease - (Bellary)

Bellary Tk. Hanagana dona village

S.No 311. Complaints - petition

from Srimathi V. Ramathilakamma

D 1440/40 from Srimathi V.

Ramathilakamma dt 16.3.40

~Q

Ref D 3353/39.4 dt 27-4-40

forwarded to the Com

by Bellary for remarks.

DR
7/4

hds
-25/4/40

9/27/4

2533 G 2161

C.F.32 (a).

Revenue DEPARTMENT.

In reply, please quote number, date and short title.*

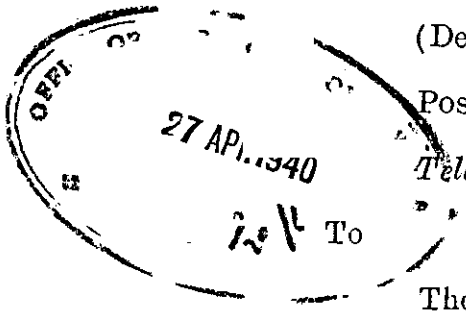
Received *Registered*

From (Name) M. Karamatullah Esqr., I.C.S.,

(Designation) Collector,

Post Box ..... , (Station) Bellary.

Telegraphic Address .....



To

The Secretary to the Board of Revenue,
Madras.

Ref: *No.* 262/40-A1, *dated* 22nd April 194

Sir

Enclosures .....

.....

Spare Copies .....

*Mining lease - Bellary taluk - Haragondona villa e - S.No.311 - Late Dasaratharami Reddi Sri Y - Cancellation - Orders - Requested.

Ref: Board's Ref.No.3353/39-2 D/4.1.40.
2. This office C.No.262/40-A1, dated 28.2.40.

...

I invite your attention to the reference quoted above and request to be informed of the orders passed by the Board in the matter.

For Collector.

This may be added to the file and the collector's reply to the ref. at Page 23 C.f. awaited.

ksk.24.4

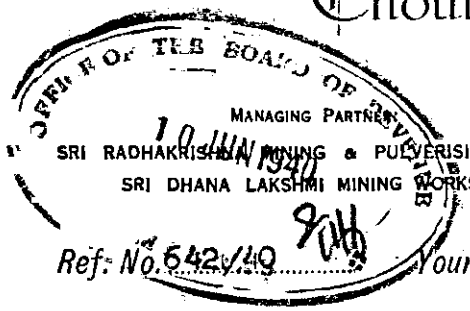
Telegrams: C. ANJANEYULU.

2785

92977

Choutapalle Anjaneyulu Chetty,

MINE-OWNER & EXPORTER



MANAGING PARTNER:
SRI RADHAKRISHNA MINING & PULVERISING CO.,
SRI DHANA LAKSHMI MINING WORKS.

DEALERS IN
BARYTES, RED-OXIDE, PURPLE-OXIDE, RED-OCHERE,
CHINA-CLAY, ASBUSTUS, STEATITE, CRUDE & POWDER,
MICA, CORANDUM, GRAPHITE Etc.,

Ref: No. 642/40 Your Ref. No. ROC 746/40 A3 of 4-6-1940. TADPATRI 8th June 1940.

M. S. M. Ry. (South India.)

Regd. Ack. due.

The Tahsildar,
BELLARY.

Hs(Salt)
This is only a copy of the petition sent to the Tahr. This may be added to file of the Collr's report on the Ref. at p 23 cf. awaited
8/6/40

Dear Sir,

Mining - Lease - Bellary taluk - Hargandona village - S.No. 311 - Lessee late Y. Dasaratharama Reddy - discrepency between the figures furnished by railway authorities and the account of Village Munsiff - explanation requested - Mineral to be stocked in heaps of known quantities to facilitate check - instruction - issued.

I beg to acknoweldge receipt of your R.O.C. 746/40 A3 of 4-6-40 addressed to me.

I. I, in my personal capacity as well as Managing Proprietor of Sri Radhakrishna Mining & Pulverising Co., have no hold in Hargandona village S.No. 311 Red-oxide and Red-ochere mine. But I do not know why you have addressed me the above reference though in my letter No. OM/103/40 of 25-8-'40 I have intimated you in this connection after the expiry of Y. Dasaratharama Reddy, to correspond with Srimathi. Y. Ramathilakamma (wife of late Y. Dasarahtarama Reddy), 42, Sunderaj perumal koil street, Perambur, Madras. This too I had done only because I was acting as an authorised agent of the deceased leassee Y. Dasaratharama Reddy. Soon after the death of the master automatically the power of Attorney ceases, which you know.

II. You state that I, that had reported in Ref. No. 433/40 of 17-4-'40 that I had not done. I think you have not gone through the correspondance thoroughly. Please refer at least now as to who had addressed the above reference and from whom you have received. I hope you will let me know the fact of it at an early convenience.

III. In your above reference you have written that " Your agent on the spot etc., etc., " . I do not know who that agent is and whom you refer or had I intimated you about my appointing an agent? How can I intimate you about an agent of mine where I have not got a mine even.

Explanation at your request.

1. I, with the experience as an authorised agent till the last days of Late Y. Dasaratharama Reddy leassee of S.No. 311 of Hargandona village, Red-oxide and Ochere Mine as well with my personal capacity at present beg to submit this following explanation regards the mode of Royalty payment and the correspondance that has taken place between yourself and myself while I was an agent.

At the very appearence of your Ref.No.R.O.C.746/40 A3 of 4-6-'40 addressed to me, it indicates that you have not gone through the old file of correspondance that has taken placebetween yourself and Late Y.Dasarathrama Reddy. If you had gone through the correspondance thoroughly you yourself would have clearly understood the situation of frequent occurance of difference between the village muniff's report and the Fly. report. Then, you would have not remarked the leasee as well as the village muniaiff as false account maintainers.

If you take up the following suggested ideas and then prove the fault of the mine owner then he is liable to undergo the punishment and will undergo. But, if you simply remark him, as a defaulter by mere gueature and if you cannot prove it afterwards; the leassee perhaps will have to undergo unnecessary losses and troubles. Perhaps the government will have to be held responsible for all kinds of losses and troubles that the leassee incurs. Is it not?

Is it not risky to take up things without scrutinising the surroundings as well the correspondance connected with it? Your kindness will understand all these from the understood mentioned suggestive explanation:-

2. From the time of licence you had ordered us to pay the Royalty accounting at 12 bags per ton. Accordingly we used to pay. Afterwards one of the Tahsildars ordered the Village Magistrate to maintain a register and account all the bags that are removed and are carted from the mine; knowing fully that there is no other cart route to carry the stuff except the one passing through the village Peramboke. From that time onwards we went on remitting the Royalty on the strength of the Village Muniaiff's report along with his report itself.

When once you varified our statement with that off the railway report in your Ref.No. . .No. 215A1/38 of 19-2-38 replying our Ref. No.R.C.45/38 of 12-1-38; found a difference of weights as well bags between the two statements. In this respect we had submitted you the village muniaiff's report as well the railway exported reported in our Ref.No.R.C.129/38 of 23-2-38 and requested you to inform us the mode on which basis we have to pay the Royalty. For this we did not get any reply.

3. When you again sent a copy of the ref.No. R.R.215A1/38 of 5-4-39 asking the station master Kadithini to furnish the quantity exported by Late Y.Dasarathrama Reddy, we have replied you in our Ref.No.OM/458/39 of 12-4-39 stating that the weights at 12 bags per Ton accounted in the village muniaiff's report will differ with that of the railway weight (as at times they may exceed or decrease) and requested you to inform us on which report we should pay the Royalty. But, there was no reply to this too, so we again had to remind you in our Ref.No.545/39 of 3-4-'39 for which too we did not get any reply at all.

4. Late Y.Dasarathrama Reddy had requested you several times the basis on which Royalty is to be paid and when he did not

P.T.O.

did not get reply from you he wrote to the Collector of Bellary in his Re.No.C1/765/39 of 6-6-39 stating that he did not get reply from the Tahsildar of Bellary for the mode of royalty payment, that there will be vast difference between the Village Munisiff's report and Railway report. At times it will be little less, and sometimes it will be great, and requested him to order for the basis on which, royalty is to be paid under a copy to yourselves.

For this the Collector had replied in his L.Dis:No.2456/30 of 30-6-39 to pay the loyalty on Village Munisiff's report and that he will verify it with the railway weight under a copy to yourselves.

Again in our ref.No.871/39 of 5-7-39, we suggested the collector that the verification of village munisiff's statement with the Railway statement will not tally. Because, at times at the end of one half year there will be stock at the railway platform and it will be exported in the other half-year. When the first half year statement from the Village Munisiff is compared with the Railway statement we think it will be great, as the stock remained unexported at the rly. platform will be exported in the other half-year: and it will come into the second half-year Railway report. When the second half-year Village Munisiff's statement is compared with that half-year rly. statement, it will be naturally less, so there will be entire difference in these two statements. Further Village Munisiff accounts 12 bags as one ton, which may be little less or great in weight but, the railway people furnish an actual weight. So, the verification will not be correct at all. Lastly we stated to the collector, that continuation of such mode of payment will create scope for unnecessary disturbances: and requested the Collector to order the basis on which the royalty is to be paid. Copy of this too had been submitted to you. Collector in his Ref.L.Dis. No.2973/39 of 13-7-'39 again replied us to pay on the village Munisiff's report only and that he will compare it with railway statement.

Accordingly, Late Y. Dasaratharama Reddy, used to pay royalty on village Munisiff's report suggesting that there will be difference in the Railway weights and Village Munisiff's weights. In this connection what he had correspondance with you from 1938 and his carfulness in that respect can be understood by a reference through our previous file of correspondence.

5. We have intimated you in our correspondance reffered above in paragraph No.4, that how the statement of Village Munisiff and the Railway differ, but you write that Late Y.Dasaratharama Reddy's agent with the connivance of the village Munisiff is cheating the Government. You, yourself can clearly understand from our above para 4, that they are not at all doing so ~~at all~~ but the doubt arises only one your yourself confure by verifying the village Munisiff's statement with the Railway's.

Can there be no stock at the railway platform even before 1-10-'39? This you have to note. Further, have you noted the number of bags which have weighed 6971 tons. 3 seers (from 1-10-39 to 31-3-40) as per railway report. Please enquire from the station master how many number of bags have weighed 258 tons. Please note also, how may bags of Red-ochere and how many bags of red-oxide of each are exported, how many through each consigner and whom and how much quantity the consigner had purchased the stuff. The differing of the weight of 12 bags per ton

P.T.O.

per Ton which you yourself had fixed approximately, was intimated to you all along the life time of V.Dasaratharama Reddy. This you can understand from the correspondance taken place between yourself and late V. Dasaratharama Reddy.

Are there other Mineowners who own licence in Hargandona and Janikunta villages; who export Red-oxide from Kudithini Rly. station only?

The mineowners may consign at times in their, own name, at times in the name of the buyer itself itself as the contracted terms may be. So, it will be better if you enquire this too.

Some petty merchants purchase Red-ochere from Mineowners some get it from the government,area by obtaining the Rahaderi licence, and some get it from Sandur State, stock it at Kudithini as well in the sorrounding villages; they prepare by hand labour and sell it locally as well export through the Kudithini Ry.statio I think that you know this fact. Otherwise please enquire the fact and verify the truth.

When there is export of the very same stuff, from the very same stuff station by different people and different consigners, how can you decide the quantity of each mine owner's export is, from the Railway report. How can you decidedly remark in your above Reference that Late V. Dasaratharama Reddy or his agent is at fault?

In order to avoid tis difficulty between yourself and the mineowners, atleast in future I like to suggest this:-

1). Better you enquire the Kudithini Station Master about the list of consignments, and consigners and their respective quantities exported every half - year.

2). Please every consigner about the quantity of stuff from whom he had purchased for each consignement.

3). Better you keep a scale at every mine, and ask the village Munisiff to enter the register with the number of bags and thier weights also soon after the stuff is removed and carted from the mine, and also to note where it will be carried to.

4). It will be better still, to note at every end and commencement of half-year, the stock at the Kudithini Rly. plat form. fter doing this and then if you compare the village Munisiff's reportwith that of Railway report and then decide the mineowner's account, you will understand whether the mineowner was deceiving the Government from evedading the payment of Royalty.

5). Better you enquire the Collector of Anantapur, Cuddapah and Kurnool about keeping of accounts they follow in barytes export, and how they decide the royalty payment for each Mineowner.

Further you have sent me a copy of endorsement given to the village Munisiff of Hargandona Village. But what I think is that there will be still the very same difficulty if you take the method you have suggested only. So it will be better if you take up the course suggested by me.

Y. Dasaratnarama Reddy owns Barytes mines in Anantapur, ir Nellore Mica mines. If your refer the Collectors of Nellore and Anantapur and Cuddapah, you will understand his sound position

P.T.O?

position and regularity in which he used to pay Royalty and Head-rents and used to submit exporting reports. During 1939 I think he had paid Royalty about Rs.838-6-0 over 2680½ tons of Barytes exported. In this connection the Collector Anantapur may be reffered. Regards Mica export the Collector Nellore may be reffered.

With this I think that you can very well understand the stability of late Y. Dasarathrama Reddy and his appointed agents' characters.

Once again I humbly request you kindness to take time to go through the whole of previous file of correspondance and compare my explanation as well your remark. If your kindness require any of the reffered reference Nos. which are not at your file, if you order me I shall submit them personally.

Hope your kindness will excuse for having me for having written a lengthy explanation and go through every point which is so very important.

Awaiting your kind and early reply to my Para II in page one, and beg to remain,

Yours faithfully,

C. Anjaneyulu Chetty

Copy to the Collector, Bellary.
The Revenue Divisional Officer, Bellary.
The Secretary, Board of Revenue, Madras.
Sri Y. Ramathilakamma, 42, Sunderajperumal Koil street, Perambur Madras.

AS/VPC.

7A

I

C.F. 98.

COLLECTOR'S OFFICE
4-JUL 1940
BELLARY

8-JUL 1940

_____ DEPARTMENT.

REMINDER. _____ *Branch.*

To THE Collector of Bellary

REPLY.

To THE Secretary
Board of Revenue,
Madras

I ~~have the honour to invite~~ / am directed to invite attention to the Bd's ref No. D 3353/39-4 dated 27.4.40 and to request that the reply to it may be expected ~~request that this reminder may be returned at once~~ with information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) the circumstances which have caused the delay.

Office of the Bd of Rev.
Station Chepauk
Dated 29.6.40

Signature. R. Ramakrishnam
Designation Superintendent
29/6

SUBJECT.

Mining - Lease. (Bellary) - Bellary Tk Tavaganadona village - S.No 311 - Complaints. Petition from Srimati Y. Ramathilakamma.

Sir,

The report of the Revenue Divisional officer Bellary, who was referred to in the matter has been received in this Office ~~just now~~. The subject matter is under scrutiny. The report

P.T.O.

34 40 (a)

called for will be submitted

within a week.

2/2 [illegible], Khan
5.7.40
for Collector

4/7/40
A1.

Reply
18/7

To Supdt

The Commy again be
reminded on 22.7.40.

BPR
18/7

18/7

C.F. 32.

Revenue DEPARTMENT.

In reply, please quote number, date and short title.

Received 22 JUL 1940 Registered 93783

From (Name) A.D.Crombie Esq.,C.I.E.,I.C.S.,

(Designation) Collector,

Post Box ____, (Station) Bellary.,

Telegraphic Address ____

To

The Secretary to the Board of Revenue,
Madras.

Ref *No.* 262/40A-1, *dated* 19th July 40 19

Sir,

* Mining - Lease (Bellary) Bellary Taluk - Haragondoi village - S.No. 311 - Complaints petition of Srimati Ramathilakamma - Report Submitted.

Enclosures one petition p 31 C/

Spare Copies

Ref: Board's Ref. I.3353/39-4 dated 27th April 40.

The petitioner Srimathi Ramathilakamma contends:

(1) that Sri. Y.Mahabaleswarappa has sent the petition against her with a view to depriving her of the mine in the Bellary taluk;

(2) that the allegation that the mine is not properly worked is false and unfounded;

(3) that the pits referred to in the petition were not dug by them but existed long before the grant of lease and that they have ~~se~~ since instructed the mans to make the pits safe by means of ~~adq~~ adequate fences;

(4) that the lease is liable to be cancelled only if the lessee is not able to produce during three consecutive years so much mineral as would pay royalty equal to dead rent.

2. The petition was referred to the Revenue Divisional Officer for report on the above allegations. After personally inspecting the mining area on 10-5-40, he states that the allegations against Sri.Y.Mahabaleswarappa are unfounded and needs no consideration; that only a small portion of the mining

block

block granted on lease is being worked and with cheap labour and that a large quantity of mineral which is available in the hills (S.No.311 of Haragondana villge) is not being worked at all. The Government are therefore losing much of their revenue in the shape of royalty which could have been realised if the mining area had been exploited properly and skilfully. The quantity of ore extracted from the grants of the lease on 20-7-38 to 30th March 1940 is reported to be 826 ¾ tons and the royalty paid Rs. 134-7-0 only. This sum falls considerably short of the royalty that he is required to produce under condition 2 of part IX of the lease, according to which the lessee has to produce royalties equal in amount to the half-yearly rent payable during that period. In the two years that have elapsed, a royalty of Rs. 944-12-0 ought to have been paid at Rs. 236-3-0 per half-year. The royalty paid by the lessee is not even 1/7 of the total rent payable. The Revenue Divisional Officer reports that the agent of the lessee is not working with the zeal and technical skill required of him and that he is trying to keep figures of production as low as possible to avoid possible rivals and to minimise the payment of royalty to Government. I agree with him. This is apparently a violation of condition 3 of part VII of the Mining lease.

A RSR 86 - P 147

B RSR 86 - P 139

3. As regards the pits referred to in paragraph 1 above, the Revenue Divisional Officer states that on the top of the hill he noticed very deep pits the sides of which are neither sloped nor stepped to prevent danger to persons employed as required by section 23 on page 7 of the 5th list of corrections to the Mining Manual, that they have not been fenced as required by condition 4 of part VII of the mining lease, although the lessee was told to do it months ago and that he has instructed the Agent Sri. P.Ramiah to fence them within a week, as there was an

indication that the Agent was continuing to work ~~there~~ these dangerous pits. Sri. A.P.Ramiah has since informed the Revenue Divisional Officer, Bellary that he has ~~found all~~ nced all pits by barbed wires. The Revenue Divisional Officer will be asked to verify this.

4. As regards the fourth contentionm this ~~pi~~ point has already been discussed in paragraph 2 but I doubt whether the portion of condition 2 of part IX can be invoked yet as 3 years' time is allowed. The scope of this condition is however very wide, and condition 3 of part VII of the Mininglease has also been brokem.

5. The petition of Srimathi Ramathilakamma is resubmitted.

Abdul. Khan
19-7-40

m.k.19/7 For Collector.

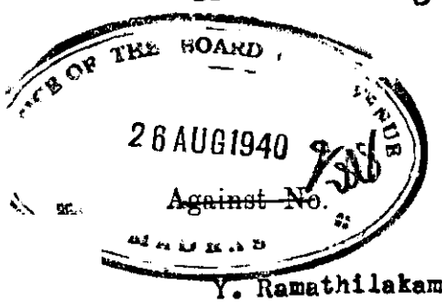
19.7

45

9441

Before the Honble The Board of Revenue, Madras.

In the High Court of Judicature of Madras



NO. 3333 OF 1939 dated 26-1-1940.

~~Against No.~~ ~~of 19~~ ~~on the file of the~~

Y. Ramathilakamma, widow of late DasaratharamaReddy ~~Appellants.~~ Cr-Petitioners.

Counter petitioner in petition by

Y. Mahabaleswarappa Re: Red Oxide of Iron Mines
Vs
in Survey No. 311 of Haraginadona village, Bellary. Petr.

~~Respondents.~~

I / We Y. RamaThilakamma.

in the above ~~Appeal~~ / Petition do hereby appoint and retain

Mr. K.Kunhikrishnan Nair,

Advocate of the High Court to appear for me / us in the above ~~Appeal~~ / Petition and to conduct and prosecute (or defend) the same and all proceedings that my be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or the receipt of any moneys that may be payable to me / us in the said ~~Appeal~~ / Petition and also in appeals under Section 15 of the Letters Patent and in applications for leave to appeal to His Majesty in Council and in all applications for review of Judgment.

I certify that the contents of this vakalat were read out and explained in Telugu in my presence to the executant who appeared perfectly to understand the same and made his, her their signature in my presence.

వై. రామతిలకమ్మ.

Executed before me this 24th day of August 1940.

Penubolu Ve. Subbiah
Vice-Chairman
Municipal Council
Nellore
24/8/40

Accepted.

K. Kunhikrishnan Nair

Counsel for Ramathilakamma
cr-Petr

The address for service of the said Counsel Mr. K. Kunhikrishnan Nair is care of The Crown Prosecutor's Office, High Court Buildings, MADRAS.

K. Narayan.

Bellary District

The Honble The Board of Revenue, Madr

~~In the High Court of Judicature~~

at Madras.

No. 3333 of 1939.

~~AGAINST~~

~~No. of 193~~

~~on the file of the~~

Y. Mahabaleswarappa. Petr.

Vs.

Y. Ramathilakamma. Cr- Pet..

Red oxide of Iron mines in Haraginadona, Bellary -

VAKALAT

Mr. K. Kunhikrishnan Nair.

Counsel for Y. Ramathilakamma.

Mining lease. Red oxide and Ochre - (Bellary) - Bellary taluk - Haraganadona village. S.No. 311. - Dasavatharama Redd - Sri. V. - allegations against the working of the mine. - petition from Sri. V. Mahabaleswarappa - orders passed

Redd 19/9/40

pp 1-5 cf | D 3353/39 from Sri. V. Mahabaleswarappa dy 8.7.39 - A

pp 9-10 cf | D 5560/39 from the Coln of Bellary dtd 3293.39 dy 26.11.39 - A

pp 12-18 cf | D 1186-/40 - - do - Ref C. 262.40 A.1 dy 28.2.40 - A

pp 23-29 cf | D 1440/40 from Srimati V. Ramathilaka dy 16.3.40 - A

pp 41-43 cf | D 3783/40 from the Coln of Bellary Ref. 262.40.A.1 dy 19.7.40 -

---

Res. (Misc) 2472 dy 12 9.40

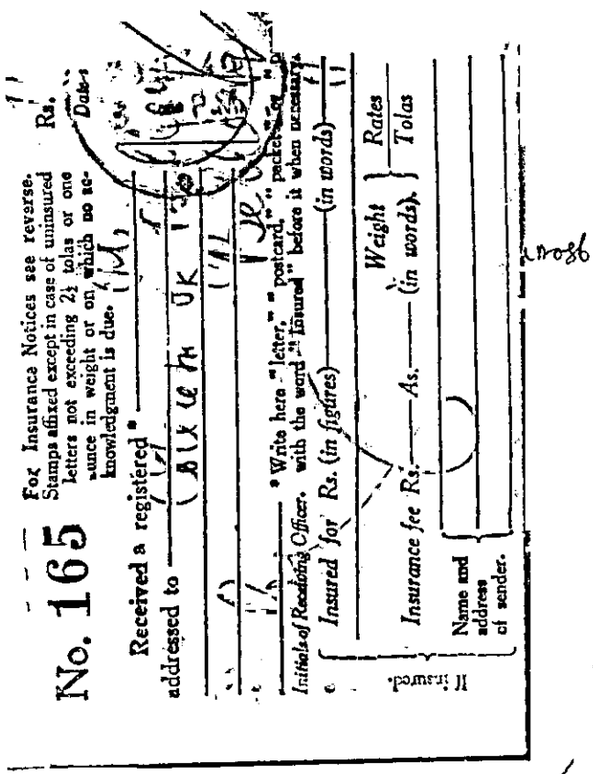
In its proceedings misc 185 dy 20.1.38, the Board sanctioned the grant of a mining lease for red oxide and ochre to Sri. V. Dasavatharama Redd: for a period of thirty years over an extent of 472.32 acs in S.No. 311 of Haraganadona village, Bellary taluk. The lease deed was executed on 20.7.38. ~~with his letter with cited above~~ a merchant & land lord Sri. V. Mahabaleswarappa, ~~has~~ put in a petition making certain allegations about the working of the mine and requesting that the lease ~~may~~ might be

cancelled and granted to him. One Smt. Y. Ramathilakamma, the widow of the deceased lessee, has, after obtaining a copy of Sri Mahalakeswarappa's petition, put in a counter petition refuting all the allegations made by the latter and stating that there are no grounds for cancelling the lease. The Collr has offered his remarks on both the petitions. pp 9-10, 17-18 and 41-43 c/f

pp 23-29 c/f

2. The Board has considered all the allegations made by the petitioner in the light of the Collr's remarks and of the contentions made by the counter petitioner. It observes that the most important allegation which calls for interference, is that relating to the inefficient working of the mine. The collr's remarks on this allegation in paragraph 2 of his letter last cited above show that the lessee having died, the agent's work is not subjected to proper supervision. According to the Revenue Divisional Officer, the agent is not working with zeal, but is keeping down production 'to avoid possible rivals and to minimise the payment of royalty to Govt'.

pp 41-42 c/f


No. 165

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters not exceeding 2½ tolas or one ounce in weight or on which no acknowledgment is due.

Rs. Date

Received a registered * addressed to

* Write here "letter," "postcard," "packet," &c.

Initials of Receiving Officer. with the word "Insured" before it when necessary.

Insured for Rs. (in figures) (in words)

Insurance fee Rs. As. (in words)

Weight Rates Tolas

Name and address of sender.

If insured.

To the Collr of Bellary ✓

with his file R.Dis.Dis.A.No.2 of 1935-37 dt. 27.7.38 rcd.

JL Section

To Sri: V. Mahabaleswarappa
Merchant and Landlord
Bellary

Sri: K. Kunhi Krishnaram Nair
C/o The Crown Prosecutor's Office
High Court Buildings
Madras.

Counsel for the Counter petitioner Srimati V Ramathilakamma Widow of the late Sri: V. Sadasiva Tharamma Rao

BPR 8/9 2/9.9.40 para 3 only.

20/9

Initd 19/9

Initd 19/9

1. The Circumstances the Collr of Bellary is requested to warn the lessee of the mine that if the working is not improved so as to secure the minimum royalty prescribed, within a specified period, the lease will be cancelled under Conditions 2 and 3 of Part VII of the lease deed for failure to work the mine in a skilful and workmanlike manner and produce royalty equal to half yearly rent.

2. The petitioner Sri: V. Mahabaleswarappa and the Counter petitioner Srimati V. Ramathilakamma are referred to the Collr of Bellary for orders on their petitions.

Lav 10/9/40

Note file

As(Sett)

Mining - Lease. (Bellary). Bellary Tk. - Haraganadana village - S.No 311. Dasaratharam Reddy (Sri:) V. - Complaints.

pp 1-5 cf — D 3353/39 From Sri: V. Mahabaleswarappa Bellary dy 8.7.39

pf 9-10 cf — D 5370/39 From the Coll of Bellary dy 26.12.39

p 11 cf — Board's ref to the Coll dy 4.1.40.

p 13 cf — D 133/40 from Srimathi V. Rama Thilakamma dy 5.1.40.

To As (Sett)

pp 1-5 cf — Sri: V. Mahabaleswarappa, a merchant and landlord, Bellary put in a petn making certain allegations about the working of the lease sanctioned to Sri: V. Dasaratharam Reddy over S.No 311 of Haraganadana village Bellary Tk. The Coll of Bellary who was consulted, has reported that the lessee has recently died and that the allegations are true and has recommended the termination of the lease and the right of reentry enforced. A further reference has been issued to the Coll for reporting the legal heirs of the lessee and also for sending the lease deed executed by the less the Coll's reply is awaited

pp 9-10 cf

p 11 cf

2. Srimathi V. Rama Thilakamma widow of the deceased lessee has put in

an application for a copy of the petition ——— f 13 cf
sent by Sri: Y. Mahabaleswarappa and has
also sent postage stamps worth Six annas and } kept in f
Six three anna copy stamp papers. As the
party is concerned in the matter, a Certified has
Copy of the petition as pp 1-5 cf may be
granted to him for orders.

PR
9/11
9-1-40

has
23/1/1

Notes (Left)

As (Left)

Draft Sent

EPR
21/11

has
25/1/40

9/21-1-40

As (Left)

J 3353/39 from Sri Y. Mahabaleswarappa dt 8.7.39 f 1 1 5 cf
J 5560/39 from The Govt of Bellary dt 26.11.39 pp 3-11 cf
J 1186/40 ——— do ——— dt 28.2.40 pp 17-18 cf
J 1440/40 from Srimathi Y. Ramathilakamma dt 16.3.40 pp 23 cf

Notes (Left)

In BP misc 165 dt 20.1.38
the Board sanctioned the grant of a mining
lease for red oxide and ochre to Sri Y.
Dasaratharama Reddi, now deceased, for a
period of 30 years over an extent of 472.32 acs

in S No 311 of Hanagavadi village, Bellary taluk, Bellary Dt. Sri: Y. Mahabaleswarappa a merchant and landlord of Bellary put in a petition in July 1939 making certain allegations about the working of the mine and finally requesting that the lease might be cancelled and the same granted to him. The Collr of Bellary reported on the petition that the allegations made were true, that the mine was not being regularly and properly worked though a large quantity of the mineral was available with the result that the Govt were losing revenue in the shape of royalty and that at the top of the hill deep pits and hollows burrowed for quarrying the mineral had not been fenced. He therefore recommended that, as the conditions of grant had been violated, the lease might be terminated and the right of reentry enforced as laid down in para 2 of Part IX of the lease. In the meanwhile Srimathi Y. Ramatilakam wife of the deceased lessee having got scent of the petition put in by Sri: Y. Mahabaleswarappa requested for a copy of it. She was given a copy of the petition and She has now represented in her petition of 16.3.40 that all the allegations made by Sri: Y. Mahabaleswarappa are false and actuated by vicious motives. She therefore requests that no

ff 1 - 5

pp 9-10

action need be taken on Sri. V. Mahabaleswarappa's petition. She has met with all the allegations made therein. The petition may be sent to the Com of Bellary for remarks. Draft is sent.

EPR
17/4

hos
25/4/00

9/24/4

p 31 C.F. | Board's Ref. I. No. 3353/39-4 dt 27-4-40

pp 41-43 C.F. | From the Collr of Bellary. Rep. 262-40 A1 dt 19-7-40.

M1
JS
AS(Sctt)
with a Case.

AS(Sctt).

[The following is a consolidated note for this file].

Sri. Y. Mahabaleswarappa, a merchant and land lord, Bellary put in a petition

pp 1-5 C.F. | making certain allegations about the working of the lease sanctioned to Sri. Y. Dasaratharami Reddi (owner) over S. No. 311 of Haraganadona Vge, Bellary taluk. The Collr. to whom the petition

pp 9-10 C.F. | was referred reported that the allegations in the petition were found to be true and recommended that the lease might be terminated and the right of re-entry enforced. He also reported that the lessee Y. Dasaratharama Reddi had died recently.

p 11 C.F. | A further reference was made to the Collr asking him to report the legal heirs of the lessee & to send for reference the lease deed executed by the lessee. In the meanwhile after obtaining a copy of Mahabaleswarappa's petition, Srimathi Ramathilakamma, the widow of the

pp 23-29 C.F. | deceased lessee, put in a counter petition refuting the allegations made by Mahabaleswarappa and stating that there were no grounds for cancelling the lease. This petition also was referred

to the Collr and the Collr's report thereon is at pp 41-43 c/f.

2. The lease referred to by Mahaleswararappa was sanctioned by the Board in B.P. No. 185 dt 20-1-38. The lease deed was executed on 20-7-38. The lessee having died subsequently it seems that the widow of the deceased ~~lessee~~ and 3 others are legal heirs and ~~is~~ according to a will left by the deceased. (K)-pp 23-24 c/f. p 18 c/f. para 4. p 17 c/f.

3. The allegations made by Mahaleswararappa are:—

(i) that the lease was granted 15 years ago, p 3 c/f.

(ii) that it is not worked properly & that about 500 tons of mineral can be removed every day if it is in the hands of a competent lease holder. p 1 c/f.

(iii) that it is worked by Pedda Ramayya, a sub-contractor p 3 c/f.

(iv) that the area is ~~leased~~ sublet to one Mr. Chetty of Gooty, and p 3 c/f.

(v) that the pits in the mines are kept in a dangerous position. p 3 c/f.

The lessees (Ramathilakamma) Contentions against these allegations and the Collr's remarks are discussed below.

Allegation (i). The ~~1~~ allegation that the area was granted to Y. Dasara Tharama Reddi 10 years ago is not correct. The Board sanctioned the grant of the lease on 20-1-38 (K)

and the lease deed was executed on 20.7.38. The area covered by the lease is 472.32 acres. 85 acres of this area was held by the lessee previously on prospecting licence. The period of the licence having expired in July 1936 was further extended by the Coll'r pending the grant of the lease.

(K) - p23 c/f.

(K) - p1 c/f. - para 2.

Rk. 88 - p68. Rule 30 (i).

The maximum period for which a licence may be granted is 3 years. The total period for which the lessee ~~had~~ had a prospecting licence for this area is not known. Any how the allegation that the area was (not) granted to the lessee 15 years ago is untrue.

pp 1-3 c/f.

Allegation (ii). The petitioner states that if the area is worked by a competent lease holder, about 500 tons of ore may be removed every day and that the lessee in this case has employed a contractor who with cheap labour removes the ore in small quantities and after accumulating 4 or 5 cartloads sells it locally with a small profit, and that the working system is very irregular resulting in heavy loss to Govt. in the shape of royalty.

p 25 c/f.

The lessee contends that though one year's time is allowed to start mining operations, the work was started immediately after the execution of the lease and that about 1000 tons have been exported and royalty paid. The Coll'r reports

that the quantity of the mineral extracted from 20-7-38 to 30-3-40 is 826 3/4 tons and the royalty paid Rs 134-7-0, that this sum falls considerably short of the royalty that he is required to produce under Condition 2 of Part IX of the lease according to which the lessee has to produce royalties equal in amount to the half yearly rent payable during that period. A p 42 C

It is also reported that the agent of the lessee is not working with zeal and technical skill required of him and that there is a violation of condition 3 of Part VII of the lease. B p 42 C.F. 3k. 86 - p 139 C.F.

Condition 3 of part VII of the lease lays down that the lessee shall start mining operations within one year from the date of the lease and continue to work without voluntary intermission in a skilful and workmanlike manner and upon the most approved principles. The lessee states that work was started immediately after the execution of the lease. The Coll. does not contradict this. Perusal is solicited of the lessees counter petition — ⁊ p 25 C.f. and p 27 C.f. It may be that the present war has stood in the way of the lessee in securing any contract for large supplies of the ore. It does not appear that the lessee has discontinued to work the mine - do - p 25 C.f. item (2)

Hence it is submitted that condition 3 of part VIII of the lease has not been violated.

Bk-86 - p 739 c/f

A - p 42 c/f

Bk-86 - p 147

The Collr. reports that there is a violation of a portion of condition 2 of part IX of the lease. According to this condition, the lease will be cancelled or the lessee penalised, if the lessee shall fail during three consecutive years to get from the land so much mineral as would produce royalties for three years equal in amount to the half-yearly rent payable during the period. The lease has executed on 20-7-38 and 3 years have not yet elapsed to apply the rule referred to above. It cannot now be said that there has been a violation of this portion of condition 2 of part IX of the lease.

d - p 3 c/f.

Allegation (iii) The petitioner, Mahalakshmaraiah alleges that the lease is worked by Ramayya, a sub-Contractor.

p 25 c/f. item (3)

The lessee states that Ramayya is the manager of the mine and that he is falsely represented by the petitioner as a Contractor. It is seen from portion C of the Collr's letter at pp 42-43 c/f that Ramayya is the lessee's agent.

42 c/f para 3

The Collr does not say specifically that he is the Agent but the R.D.O has apparently described him as the Agent of the lessee

b - p 3 c/f.

Allegation (iv). Sri. Mahalakshmaraiah alleges that the area is sublet to one M/s. Celesty

Gooty :- The Collr. reports that ~~there is~~ no definite evidence is available regarding the sub-lease of the mine. ~~Evidently~~ Apparently the petitioner's allegation is unfounded. p 9 cf. para 1

Allegation (V) :- The petitioner states that the old pits in the mine are kept in a very dangerous condition and that there is every likelihood of an impending danger to cattle and public. The lessee contends that the pits ~~were~~ existed long before the lease was granted ~~the~~ and that any such instructions have been issued to the ~~the~~ Manager to secure the pits with sufficient fences. The Collr. reports that the Manager of the Mine has since informed the R.D.O, Bellary that all pits have been fenced by barbed wires. The Collr. has asked ~~the~~ the R.D.O ~~to~~ to verify this. C - pp 3-5 cf. p 25 cf. item (v) C p 43 cf.

Under Condition 4 of Part VII of the lease, the lessee should secure ~~the~~ pits and shafts with sufficient fences. For a breach of this condition either the lease may be Cancelled or the lessee penalised under Condits. 2 and 3 of Part IX of the lease: With reference to the "Mining Concessions Central Rules" issued by the Govt of India for Commissioners' Provinces the Board has proposed to Govt to amend the Madras Mining Manual. The effect Bk. 86 - p 139 Bk. 86 - pp 147-148 Bk: put up [pp 51-52 Conditions 2 & 3 of Part IX] ^ separate file - not put up

of the proposed amendment will be that breaches will be classed as minor and major and for minor breaches of the conditions of the lease the lease will not be liable to be cancelled but the lessee may be required to pay a penalty. Failure to secure pits and shafts with fences will ~~come~~ be treated as a minor breach. In the present case the pits and shafts have been fenced and are stated to a report of verification has been called for. No further action is called for.

The petitioner also points out that the lease area is not demarcated with cairns and fencing throughout. Under condition 2 of part VIII of the lease the lessee should erect boundary marks along the boundaries of the lease area and maintain them. There is no rule for fencing the lease area throughout. The lessee contends that boundary marks have already been erected and are being maintained. The calls does not contradict this statement.

The calls. first reported that the lease might be terminated and the right of re-entry enforced. In his subsequent report he doubts whether the portion of Condition 2 of part IX of the lease can be invoked yet, as 3 years' time is allowed

This has been discussed under allegation (ii). It is submitted that this condition cannot be invoked now. The Coll. reports that condition 3 of part VII of the lease has been broken. This was also been discussed under allegation (ii). /43 c.f – para 4.

In the circumstances it is submitted that there is no case for terminating the lease. The coll. may be informed accordingly.

9/ 28/8/40. The most important allegation which calls for interference is no (ii), the inefficient working of the lease. Para 2 of the Colls report at f 42 c.f may be perused. The lessee having died, the agents work does not seem to be subjected to proper supervision. Acg to the R.D.O, the agent is not working with zeal but is keeping down production to avoid possible rivals and to minimise the payment of royalty to Govt. The Coll may be instructed to warn the lessee that if the working is not improved, so as to secure the minimum royalty prescribed, within a specified period the lease will be cancelled under condition 3 of Part VII of the lease for failure to work the lease in a skilful and workmanlike manner and produce royalty equal to half-yearly rent.

Bk 86/f 139

Rel

(f 5)

J. S

M-1

A 3/9

hall 1/9/40

J-SEP 1940

AS (Retd) — TO AS (Left)

Please see the notes and orders on pp 5-11 ng. Draft is subd for approval

2. Both the petitioner Sri: V. Mahadeswara and the Counter petitioner Smt V. Ramathilakamma may be referred to the Collr of Bellary for orders on their petitions.

EPR
8/9
2
9.9.40

hrs
10/9/40

hmsc 2472 dy 12.9.40 KB 8/40

~~Full Board~~.

I.A.	A.D.S. & L.R.	Asst. Secretary L.R. Sett.	Jt. Secy. Sep. Secy. Rev.	M 4	M 3	M 2	M 1

1. Open file seen by
2. Final draft seen by
3. Now circulated to
4. Initials.

Passed for record.

~~Secretary~~
Jt. Secretary

~~A.S. (C.W.)~~

~~A.S. (L.R.)~~.

A.S. (Sett.) 27/9

~~A.S. (Excise)~~

~~A.D.S. &~~ L.R.

~~I-A.~~

Note - Entries not required to be scored out.

2379

Bthmisc 2472 dy 12.9.40 KS-Sett.

~~Full Board~~.

I.A.	A.D.S. & L.R.	Asst. Secretary L.R.	Sett.	Sep. Rev	Jt. Secy.	M 4	M 3	M 2	M 1

1. Open file seen by
2. Final draft seen by
3. Now circulated
4. Initials.

Passed for record.

~~Secretary~~
Jt. Secretary

~~A.S. (C.W.)~~

~~A.S. (L.R.)~~.

A.S. (Sett.)

~~A.S. (Excise)~~

~~A.D.S. &~~ L.R.

~~I-A.~~

Note - Entries not required to be scored out.